

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CATHY ENWERE,

Plaintiff,

V.

TERMAN APARTMENTS, LP, d/b/a G & K  
Management Co.

**Defendant.**

Case Number C 07-1239 JF

**ORDER<sup>1</sup> ACCEPTING AMENDED  
COMPLAINT FILED AS OF RIGHT  
AND DENYING MOTION TO  
DISMISS AS MOOT**

[re: docket no. 12, 14]

On March 1, 2007, Plaintiff, proceeding *pro se*, filed a complaint alleging racial discrimination in housing. The complaint consists of factual allegations in narrative form. The crux of Plaintiff's allegations is that she made an appointment to see an apartment, but that when she arrived for the appointment and Defendant became aware of her race, Defendant refused to show her the apartment. On March 16, 2007, the Court granted Plaintiff's application to proceed *in forma pauperis*. On April 19, 2007, Plaintiff moved for the appointment of counsel. On April 20, 2007, the Court referred the case to the Federal Pro Bono Project.

<sup>1</sup> This disposition is not designated for publication and may not be cited.

1       On April 24, 2007, Defendants Terman Associates, L.P.<sup>2</sup> and G&K Management  
2 Company, Inc. moved to dismiss the complaint for lack of subject matter jurisdiction, failure to  
3 state a claim, and insufficiency of service.

4       On May 2, 2007, Plaintiff submitted a document entitled "Amendment to Complaint" and  
5 an accompanying, hand-written request that it be accepted as an amendment to the initial  
6 complaint. Because Plaintiff has not filed another amendment previously, this amendment is  
7 filed as of right. *See Fed. R. Civ. P. 15(a).* The operative complaint in this action is now the  
8 initial complaint as amended by this further filing. Because the complaint has been amended, the  
9 motion to dismiss will be denied as moot and the hearing currently scheduled for June 1, 2007  
10 will be vacated.

11       On May 2, 2007, Plaintiff submitted a letter to the Court in which she requested advice  
12 regarding the sufficiency of service in this action. The Court cannot provide such advice. As  
13 stated in its previous orders, the Court recommends strongly that Plaintiff seek such advice from  
14 a lawyer. While Plaintiff has been referred to the Federal Pro Bono Project, Plaintiff also should  
15 continue to explore other representation options.

16  
17 IT IS SO ORDERED.

18 DATED: May 7, 2007.  
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20   
21 JEREMY FOGEL  
22 United States District Judge

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27       <sup>2</sup> Defendants state that the name used by Plaintiff "TERMAN APARTMENTS, LP" is  
28 erroneous.

1 This Order has been served upon the following persons:

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